| SL. No | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGES'S ORDERS |
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| | | | MCC No. 1 of 2022<br>IA No. 2 of 2022<br>In<br>WPMS No. 703 of 2002<br>**Hon'ble Sharad Kumar Sharma, J.**<br><br>Mr. Jitendra Chaudhary, Advocate, for the petitioner.<br><br>Mr. Devesh Bishnoi, Brief Holder, for the State of Uttarakhand.<br><br>The Writ Petition is emanating from a concurrent judgment rendered in a proceeding under Section 4/5 of the U.P. Public Premises Eviction of Unauthorised Occupants Act, 1972.<br><br>Initially, when the Writ Petition was entertained on 20th September, 2002, an interim order was granted. It seems, that after the grant of interim order, the petitioner got disinterested to pursue the Writ Petition, under an impression, that since the interim order has granted him protection, he may enjoy the possession of the public property, which was found to be unauthorisedly occupied by him.<br><br>Seeking recall of the order dated 7th November, 2005, a highly belated Restoration Application has been filed after a lapse of 16 years and 8 months, i.e. approximately 6080 days of delay, and the reason for delay, which has been given in para 4 and 5, that since none has put in appearance at the behest of the petitioner, the matter was dismissed for want of prosecution. |

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| | | | It has been further submitted, that the knowledge of the dismissal was attributed to the present petitioner only in April, 2022, when he filed the present Recall Application.<br><br>This Court is of the view, that this reason for delay itself cannot be accepted for the reason being that when the petitioner is enjoying the interim order in relation to a land, which has been unauthorisedly occupied by him, he was expected to be diligent enough to participate in the proceedings, and if none has appeared on 7th November, 2005, then too he has to blame himself for non appearance.<br><br>In fact, condonation of delay is only to be exercised by the Court, when the petitioner approaches the Court with his bona fide. The bona fide as expressed in para 4 and 5 of the Delay Condonation Application does not repose confidence, but rather it seems that the petitioner himself has taken an advantage of lingering the proceedings under Section 4/5 of the Act to protect his unauthorised occupation over the public land.<br><br>Since this Court is not inclined to condone the delay of 16 years and 8 months, the Delay Condonation Application filed in support of the Restoration Application would stand rejected, and as a consequence thereto, the Restoration Application and the Writ Petition too are directed to be laid to rest.<br><br>**(Sharad Kumar Sharma, J.)**<br>Dated 27.06.2023<br>Shiv |